

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-CR-223

ROBERT R. LOSSE,

Defendant.

ORDER DENYING MOTION TO APPOINT COUNSEL

On June 21, 2018, Defendant Robert Losse entered a guilty plea to conspiracy to distribute a controlled substance and on September 17, 2018, he was sentenced to 180 months imprisonment be followed by 7 years of supervised release. Judgment was entered on September 25, 2018. Losse filed an appeal, which was later dismissed on Defendant's motion. Losse then filed two motions for compassionate release in August 2020 stating that he had tested positive for Covid-19, was fighting for his life to stay healthy and alive (Dkt. No. 186 at 1), and that chronic asthma, obesity, and "being at risk to becoming a type 2 diabetic" put him at high risk from Covid. After those motions were fully briefed, Losse filed a motion requesting the appointment of counsel.

On April 1, 2021, all three motions were denied. The Court noted that Losse had failed to establish extraordinary and compelling reasons for release in that his age (37 years) was not a risk factor, Losse experienced a relatively asymptomatic 2020 infection, the stated health conditions did not warrant release, the Bureau of Prisons implemented extensive efforts to mitigate the disease, his opportunity for vaccination, and that the 3553(A) sentencing factors weighed against release. Dkt. 194 at 2-3.

The motion requesting appointment of counsel was also denied. The Court noted the motion was fully briefed and that there “is no constitutional right to counsel at public expense on a motion for compassionate release.” While the Court recognized that it may have discretion under 18 U.S.C. § 3006A to appoint counsel, it concluded that the facts of this case did not present the type of difficult or complex issues that would require appointed counsel. *Id.* at 3.

Nothing in Losse’s newly-filed, single-paragraph motion provided a new factor for consideration, and appointment of counsel would not alter the factors considered in this Court’s previous denial of relief. Losse’s motion for appointment of counsel is again, therefore, denied.

Dated at Green Bay, Wisconsin this 11th day of May, 2022.

s/ William C. Griesbach
William C. Griesbach
United States District Judge